



INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

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Conference on Legal Remedies for Human Rights abuse involving corporations

A Role for Judges and Lawyers in Protecting Human Rights in the context of Corporate Activity Geneva, 27/28 September 2010

The *Conference on the Role of Judges and Lawyers in Protecting Human Rights in the Context of Corporate Activity* represents the culmination of the initial phase of a project conducted by the International Commission of Jurists aiming at identifying the most important legal and procedural factors in guaranteeing adequate access to justice and effective remedy for victims of corporate human rights abuse, and identifying the problematic areas that need to be addressed as well as the potential opportunities to be realised. The Conference is expected to serve as a forum to catalyze discussions around the main findings of a number of country studies, workshops, and survey/questionnaires of countries conducted by the ICJ and its partners worldwide in the context of its project on Access to Justice for Victims of Corporate Abuse of Human Rights. It should also serve as a forum to hold an in-depth discussion of the findings and recommendations made by other groups and organizations working in the same field.

The Conference will mark an important step in building international consensus around an agenda on access to justice for those whose rights have been affected by business including transnational corporations. It is being held at an opportune time. In June 2010, the OECD opened a process of "updating" its Guidelines for Multinational Enterprises, in which consideration of human rights impacts will feature prominently. Prof. John Ruggie (the Special Representative of the UN Secretary-General on Business and Human Rights) will also hold multi-stakeholder consultations in Geneva in early October. Later in October, National Human Rights Institutions will hold their bi-annual international Conference in Scotland with the theme: "Business and Human Rights," with participation of civil society organisations. Many of the participants in the ICJ Conference will also take part in these events.

Conference Objectives and outcomes

The Conference aims at identifying and building greater consensus around the main issues in, obstacles to, and opportunities for improving access to justice for the victims of alleged human rights abuse involving companies.

The conference also seeks to help in the articulation and expression of stakeholder views prior to the consultations that Prof. John Ruggie, the Special Representative of the UN Secretary-General on Business and Human Rights, will hold later in the year to inform the development of Guiding Principles on Business and Human Rights that he intends to present to the UN Human Rights Council in June 2011. It also aims to contribute to the coalescence of broader networks of social groups and legal practitioners around the objective of carrying out activities in the area of legal reform and accountability, and to the formulation of an agreed set of points of action and recommendations to enhance access to justice and an effective remedy in the context of business

and human rights, designed to articulate and strengthen an agenda for action by the ICJ, other NGOs, the donor community, the legal profession and Governments.

Conference Methodology and Format

The Conference will take place in at the Varembe Conference Centre, in Geneva, Switzerland, on 27 and 28 September 2010.

The format of the Conference is designed to maximize the interaction of country-level experts with key actors at the regional and international levels. It will facilitate the presentation of key features of the ICJ country studies undertaken thus far, along with other case-study information and proposals followed by a rigorous discussion on the recurrent themes and patterns emerging, and the definition of avenues for action. Special emphasis will be made on delineating a role for judges and lawyers in the protection of human rights in this context. The discussion should take into account the regional and international policy and legal frameworks and also address the areas of overlap and potential complementarities with non-judicial public mechanisms and institutions that deal with business-related complaints and grievances.

Many issues of relevance to the realization of an effective remedy are common to various branches of law that are intimately related to human rights: labour, environmental, non-discrimination and constitutional rights. Issues of costs, legal representation, legal standing, procedural questions, and others are common to those branches of law and can be discussed as cross-cutting issues while realising their specificity. The Conference will concentrate the discussion about those key issues from a comparative perspective, bearing in mind international human rights principles and the proposals that have been or can be formulated to address them.

The ICJ will prepare an overall report after the conference that would include suggested points of action and recommend avenues to be pursued.

Participants

Participants will include judges and lawyers who are working on or have a strong interest in the question of legal remedies in cases of corporate human rights abuse, the ICJ partners in the preparation of country studies and surveys, diplomatic representatives of a number of countries, and staff from international organizations. There are approximately 70 participants, with substantial participation from outside of Europe.

All participants attend in their personal capacity and institutional affiliation is given only for information. In particular, serving judges attending the conference will not be put in a situation where their independence and impartiality as judges could be called into question.

Contact

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